

Congress of the United States
Washington, DC 20515

October 19, 2020

The Honorable Seema Verma
Administrator
Centers for Medicare & Medicaid Services
Department of Health & Human Services
Baltimore, MD 21244-8013

Dear Administrator Verma:

As Arizona continues to navigate the public health emergency (PHE) and wildfires throughout our state, we appreciate the Centers for Medicare & Medicaid Services (CMS) extreme and uncontrollable circumstances Medicare Advantage (MA) Star Rating policy. This policy is designed to facilitate adjustments to the Star Ratings of affected Medicare Advantage (MA) and Part D plans, however, we are concerned that current guidance fails to acknowledge the impact of all disaster types on beneficiaries' and health plan operational and clinical systems.¹ We therefore ask that you consider expansion of the extreme and uncontrollable circumstances policy to ensure accurate quality measurements in the MA Star Rating program to help protect benefits.

Specifically, we request that CMS update the policy to: (1) expand the eligibility of disaster designations, and (2) grandfather in relief across applicable years. Expanding the thresholds used to provide Star Rating relief would improve access to high quality care and support services to beneficiaries living in areas impacted by public health emergencies and natural disasters. Arizona has already experienced seven fires between May and August 2020, leading the Federal Emergency Management Agency (FEMA) to issue Fire Management Assistance declarations.² The effects of the wildfires were further exacerbated by the PHE, as our constituents were forced to evacuate while trying to adhere to public health safety guidelines.

The limited application of the policy falls short of addressing the impacts of the severe weather conditions and wildfires that consistently plague our state. Currently, affected contracts must be within an area where the President declares an emergency or disaster, the Secretary declares a public health emergency, FEMA declares a major disaster, and a minimum percentage of beneficiaries reside in a designated individual assistance area at the time of the incident. FEMA emergency or Fire Management Assistance declarations, which account for all the Arizona wildfires this year, are not eligible for relief under the current policy. We ask that the agency consider expanding the scope of the policy to include emergency declarations issued by a state

¹ CMS. Announcement of Calendar Year (CY) 2019 Medicare Advantage Capitation Rates and Medicare Advantage and Part D Payment Policies and Final Call Letter. April 2, 2018. <https://www.cms.gov/Medicare/Health-Plans/MedicareAdvtgSpecRateStats/Downloads/Announcement2019.pdf>.

² FEMA. Declared Disasters. Accessed August 19, 2020. <https://www.fema.gov/disasters/disaster-declarations>.

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government entity, and FEMA emergency or Fire Management Assistance declarations to ensure beneficiaries have access to accurate quality data.

Additionally, the extreme and uncontrollable circumstances policy does not provide Star Rating relief across multiple years to ensure data impacted by disasters is not used. For example, when a county has wildfires multiple years in a row, CMS may provide relief in one year, and then use data impacted by the wildfires the next year. We encourage CMS to review using Star Rating data before the extreme and uncontrollable circumstance, and grandfather in relief across multiple years to avoid using inaccurate data to calculate Star Ratings. Using data that is not disproportionately skewed due to the extreme and uncontrollable circumstances will improve the ability to calculate quality across the country.

Given the circumstances in our state, we fear that constituents are the most negatively impacted by the narrow application of the extreme and uncontrollable circumstances policy. As you are aware, four-plus Star Ratings increase the benchmark against which an MA plan bids, and a portion of the savings between the bid and the benchmark are available to the plan as a rebate to enhance benefit offerings and keep premiums low. In its current form, the policy may prevent their health plan from obtaining rebate dollars to lower cost sharing, and providing supplemental benefits that address social determinants of health, such as food, transportation, and in-home support services particularly important during the pandemic. Given that Star Ratings provide additional resources to lower cost sharing and increase supplemental benefit offerings, we would like to collaborate with CMS to protect our constituents and their care during disasters.

The PHE has illustrated the importance of reducing health disparities and improving access to care. This is especially true in the state of Arizona that has suffered numerous wildfires throughout the PHE's duration. Thank you again for your support, and we look forward to continued dialogue to help protect our constituents Medicare benefits in the event of extreme and uncontrollable circumstances. Our offices stand ready to be a resource, and please do not hesitate to contact us if we can be of more assistance.

Sincerely,



Tom O'Halleran
Member of Congress



Andy Biggs
Member of Congress



David Schweikert
Member of Congress



Ruben Gallego
Member of Congress

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A handwritten signature in blue ink that reads "Paul A. Gosar" with a stylized flourish at the end.

Paul Gosar, D.D.S.
Member of Congress

A handwritten signature in blue ink that reads "Ann Kirkpatrick" with a stylized flourish at the end.

Ann Kirkpatrick
Member of Congress

A handwritten signature in blue ink that reads "Debbie Lesko" with a stylized flourish at the end.

Debbie Lesko
Member of Congress

A handwritten signature in blue ink that reads "Greg Stanton" with a stylized flourish at the end.

Greg Stanton
Member of Congress